REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected in the Office Action dated October 15, 2010 ("Office Action").

Claims 1-20 remain pending in this application.

Reconsideration of the claims is respectfully requested.

In this Response, the Applicants make no admission concerning any now moot rejection or objection, and affirmatively deny any position, statement or averment of the Examiner that was not specifically addressed herein.

I.   CLAIM REJECTION UNDER 35 U.S.C. §102

Claims 1-3, 7-10, 14 and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No.6,968,192 to Longoni (*"Longoni"*). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-76 (8th ed., rev. 4, October 2005) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. *Id.* (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Independent Claim 1 recites an interrogating state machine comprising a plurality of wireless communication devices for use in a wireless network in which the interrogating state machine includes:

> a server status store operable to store current server status information for each of a plurality of servers, the current server status information for each server comprising load information for the server and capability information for each server; and
>
> a server assigner operable to collect server status information from the servers, provide triggers to the servers, and to store the server status information in the server status store as current server status information, and to assign one of the servers to host one of the wireless communication devices based on the current server status information, wherein the triggers provided to the servers comprise information related to instructions on under what time-independent conditions to provide the interrogating state machine with updated server status information. [Emphasis Added].

The Applicants respectfully submit that *Longoni* does not anticipate the aforementioned features of independent Claim 1. In particular, it is submitted that *Longoni* does not teach or suggest a server assigner operable to assign one of the servers to host one of the wireless communication devices based on the current server status information as specifically recited in Applicants' Claim 1.

The Office Action asserts that *Longoni* anticipates the above emphasized element in which *Longoni* (col. 2, lines 57-60 and col. 6, lines 38-44) teaches "assigning the appropriate cell, server, based on the load information." (*Office Action*, page 3). The Applicants respectfully disagree. The RNC of *Longoni* does not assign one of the cells (servers) to host one of the mobile stations (wireless communication devices) based on the load status (current server status information) of the candidate cell (server). Rather, the RNC of *Longoni* merely adds or deletes a particular cell to an active set of

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allowable cells that may be stored in the mobile station based upon the load status of the candidate cell. (See *Longoni*, col. 6, lines 41-44 and col. 6, lines 48-50). That is, the RNC of *Longoni* uses the load status information to admit, or delete a cell associated with the load status information in an active set that is stored in the mobile station. The RNC does not specifically <u>assign one server from among a plurality of servers</u> for hosting the wireless communication device as specifically claimed in Applicants' Claim 1. Thus, *Longoni* does not anticipate Claim 1.

Claims 8 and 16 include limitations that are analogous to the unique and nonobvious limitation emphasized with respect to Claim 1. Claims 2-3 and 7 depend from Claim 1; and Claims 9-10 and 14 depend from Claim 8. Therefore, Claims 2-3, 7-10, 14, and 16 are patentable over *Longoni* for at least the same or similar reasons provided with regard to Claim 1.

Accordingly, the Applicants respectfully request the §102 rejection with respect to Claims 1-3, 7-10, 14 and 16 be withdrawn.

II.   CLAIM REJECTION UNDER 35 U.S.C.§103

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Longoni*. Claims 5, 6, 12, 13 and 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Longoni* in view of U.S. Patent Application Publication No. 2003/02106694 to Jayaraman, et al. ("*Jayaraman*"). Claims 4 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Longoni* in view of what the Office Action characterizes as "the admitted prior art, APA, of Shih, ("*APA*"). The Applicants respectfully traverse these rejections.

Claims 4-6 depend from Claim 1; Claims 11-13 and 15 depend from Claim 8; and Claims 17-20 depend from Claim 16. The Applicants have shown that Claims 1, 8, and 16 are patentable over *Longoni*. *Jayaraman* does not provide a disclosure that remedies the deficiencies of *Longoni*, and *APA* is not directed to triggers. Therefore, Claims 4-6, 11-13, 15, and 17-20 are patentable over the prior art of record.

Accordingly, the Applicants respectfully request the §103 rejection with respect to Claims 4-6, 11-13, 15, and 17-20 be withdrawn.
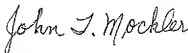
CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining claims in the Application are in condition for allowance, and respectfully request that this Application be passed to issue.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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